(1) (4)

C/F/100-P

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG.)

W.P.NO. 1851 /2001

PETITIONERS : Dy. Director, Panchayat & Social Service, Santrabadi, Durg (CG).

V E R S U S

RESPONDENTS : 1.Shri Lalman, S/o Shri Raghunandan, Qtr No.04, H-Avenue, A-Zone, Khrusipar, Sector-11, Bhilai, Dist.Durg (CG).

2.Presiding Officer, Labour Court, Durg.

3.Asstt.Labour Commissioner, Labour Division, Durg .

P.R. No. 1609/01
Presented by Shri Dayaram Nirmalkar
dated 12.12.2001

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

(42)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 1851/2001 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

07-10-2002

Shri Ranbir Singh, counsel for the petitioner.

Heard on the question of admission.

This writ petition is directed against the order dated 06-12-2000 passed by the Presiding Officer, Industrial Disputes Act, Labour Court, Durg in case No.14/I.D./Reference/98.

Against the order of removal, the respondent Lalman had approached the Assistant Labour Commissioner. However, as no conciliation could be brought about a failure report was submitted, thereupon the appropriate government being of the opinion ~~referred~~ that an industrial dispute did exist, referred the same for adjudication by the Labour Court. The question for adjudication was

"क्या श्री लालमन आण रघुनंदन का सेवा पृथक्कीकरण वैध एवं उचित है ? यदि नहीं तो वे किस सहायता के पात्र है एवं इस संबंध में नियोजन को क्या निर्देश दिये जाने चाहिये ।"

..Contd.2..

(13)

XII-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 1851/2001 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

On being noticed by the Labour Court, both the parties filed their claim. According to the employee, he was appointed as a Chowkidar on 01-12-1990 and that with effect from 08-01-1992, he was regularized and he was paid regular wages, which were payable to a permanent employee. His grievance is that on 10-06-1996, he was removed from service without holding any domestic enquiry and in contravention of the provisions contained in Section 25(F) of the Industrial Disputes Act, 1947. As such, his removal was unlawful/illegal and he was entitled to reinstatement with back wages.

The second party filed a written statement denying the claim. However, though the first party/employee entered the witness box and gave his statement in support of his case, the second party that is, the petitioner herein failed to appear and adduce any evidence in support of his defence. Accordingly, the Industrial Court accepted the un-rebutted evidence of the employee and held in his favour. The Industrial Court held the order of removal to be void and directed reinstatement without back wages.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No 1851/2001 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Having heard learned counsel, the Court is not inclined to entertain this writ petition. Since, the second party (petitioner herein) did not appear before the Court to lead evidence in support of his contentions and to rebut that of the employee, no error can be said to have been committed by the Labour Court in accepting the un-rebutted/unchallenged evidence of the petitioner. In view of the above, the petition fails and is dismissed. Consequently, M.W.P.No.334/2002 and I.A.No. 6575/2002 also stand disposed of. Sd/- P. C. Naik Judge	